



Separation anxiety

Federal grants for religious buildings raise concerns about matters of church and state

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Two years after the federal government decided that it would be OK, after all, to give money to help restore Boston's Old North Church, some in the country are still debating whether such grants are good thing or a bad thing for the nation's houses of worship.

The debate -- with all the worries over mixing church and state -- surfaced anew recently at the annual statewide Historic Preservation Conference in Newport.

While federal grants to restore buildings with still-active congregations have been decried by critics as an impermissible use of government funds, leaders of Newport's Touro Synagogue, who claim to have the oldest existing synagogue building in North America, have already signaled where they stand.

They recently began a \$2.3 million restoration of the Colonial-era building, paid for in part by a \$375,000 Save America's Treasures grant from the Department of Interior.

The Touro grant and the one to the Old North Church, made famous by Paul Revere's famous ride, are but two of about a half dozen federal grants that have been given out since 2002, in a list that includes such places as the Mother Bethel African Methodist Episcopal Church in Philadelphia (where the denomination started), Trinity Church in Copley Square, Boston, and the meeting house of the First Congregational Church in Litchfield, Conn.

One group vigorously opposed to the grants has been the Americans United for the Separation of Church and State.

Ronal Madnick, director of the group's Massachusetts chapter, contends that they are unconstitutional for the same reasons outlined by the Supreme Court in a 1973 case in which a parochial school received aid. Just as the Constitution does not allow states to erect buildings in which religious activities are taking place, he insists, neither can they "maintain such buildings or renovate them if they fall into disrepair."

If certain houses of worship are true historic landmarks, their congregations should be able to raise money from private sources, he says. The danger as he sees it in using taxpayer money is that it nearly always comes with strings attached.

"When government money is used, there has to be accountability. It means churches will have to open their financial records," Madnick said. "It can also inhibit them from speaking out on issues for fear it will affect their funding."

And that's not to mention, he said, the unhealthy competition that may arise when churches have to vie for the same cash pie.

Not so, says Andrew Teitz, a lawyer and former past president of the Touro Synagogue Foundation.

Teitz concedes there are some government grants that can be troublesome, as when Congress voted to allocate funds for the restoration of all the mission churches in California, without making them compete.

But, he said, he does not see any constitutional problem with houses of worship competing for funds available to all.

"Yes, you could say Touro was competing with the Old North Church when it applied for funds. But it was also competing with the Frank Lloyd House in Illinois and James Madison's House in Virginia," Teitz said. "As long as the final decision is on the basis of historical merit, I don't see the problem."

As the town solicitor for Tiverton and assistant solicitor in Barrington, Bristol and West Greenwich, Teitz said he believes very strongly that religious institutions should not be exempt from local zoning restrictions, but rather treated the "the same as everyone else, no better, nor worse."

The corollary to that, he says, is that if they come under the same rules they should also be allowed to enjoy the benefits.

Some may argue that it's one thing to award preservation grants to places judged to be culturally and historically significant, and another to give money to lesser-known sites.

At the level of state and local government, policies can vary from state to state, and municipality to municipality.

For example, the Rhode Island Historical Preservation and Heritage Commission does not award grants to religious houses of worship, while the Historic Preservation Commission in Massachusetts does.

Carol Ann Nelson, facilities manager for the Roman Catholic Diocese of Providence, is a member of the Massachusetts commission, and estimates that a third of the \$1 million given out annually for preservation projects goes to houses of worship.

Nelson said Massachusetts grants almost always come with strings attached: recipients have to agree that from that time on, they or anyone who buys the property cannot make any substantive changes to their building without getting commission approval.

"Churches need to think about these issues before they take the money," Nelson said. "For some it's not a problem because they don't want to see any changes in the building."

So if it works in Massachusetts, why not Rhode Island?

Nelson, an architect, said in the best of all possible worlds it's something to be considered.

"I think preservation is a value. It adds to the reasons why people come and visit Rhode Island," she said. "But we know, too, states also have other budget priorities, such as roads and schools."

Monsignor William McCaffrey, whose St. Joseph parish on Providence's East Side was cited for a preservation award because of a recent restoration funded entirely without public money, said that while there may be a civic interest in preserving "national" religious monuments, he'd be hesitant about having government money going into "normal neighborhood" churches.

"I think it could open a can of worms," he said. "Where would you start and where would you end? What about the storefront churches?"

He added that he likes the approach used by the state of New York, which won't give money to church restorations as such, but will give money to building assessment studies.

Ted Sanderson, executive director of the Rhode Island Historical Preservation and Heritage Commission, noted that houses of worship face unique challenges when it comes to seeking grants. Given the reluctance of many foundations and states to put money into church buildings, he says, congregations need to find ways to broaden their support by developing additional uses for their buildings.

"Many churches do this by using part of their space for day care centers, performing arts groups and making their space available to the community," he says.

To be sure, municipalities frequently find a way to earmark money for church projects when they find it useful. Last week, for example, the Providence City Council voted to designate \$40,000 in anticipated federal Community Development Block Grants to the locally-based Cathedral of Life to allow it to expand its adult education program in the church's Carter Street annex.

The Rev. Jeffrey Williams said he does not think the grant will inhibit him from speaking out on issues he regards as important. Nor does he see any constitutional problem in getting government money that will help it to teach people to read or otherwise "empower" people.

Not that churches are always comfortable with government money.

The First Baptist Church in America, in Providence, admitted to having strong reservations about accepting \$100,000 in federal money channeled through the state Historic Preservation Commission to restore the church steeple in the early 1980s. The grant was supplemented by \$70,000 in federal funds provided by then Mayor Vincent A. Cianci Jr., who described the steeple restoration as important to the city's renaissance.

Thinking that Roger Williams, who had championed the idea that government should not get involved in religious affairs, might be turning in his grave, leaders considered turning down the money.

Their change of heart came when some key foundations advised them they would have little chance of getting foundation support if they did not pursue the federal money.

"We had to face the fact that things have changed in the collection of the money, and that the government has assumed a role of taking and giving back," the late Russell S. Fox, then chairman of the restoration committee, said at the time.

The church leaders decided to take the money.